



Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC 20-240
Regulation title	Regulations Relating to School Security Officers
Action title	School Security Officer Regulations (New)
Document preparation date	11-10-04

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

This is a new regulation.

This regulatory action identifies compulsory minimum standards for employment, entry-level and in-service training requirements, and certification requirements for school security officers. Currently, there is no required training for these officers. This regulatory action will consolidate and standardize minimum entry-level and employment requirements as well as provide a certification component to ensure all school security officers in Virginia have minimum training and professional development opportunities. This will assure a minimum level of competency in the job of school safety officer and have a positive impact on the school safety climate at the local level.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

- 1) The Office of the Attorney General in a letter (March 17, 2004) to DCJS Director Leonard Cooke affirmed that DCJS does have statutory authority to promulgate the regulations pursuant to 9.1-102 (45) relating to school security officers.
- 2) This regulation is not otherwise exempt under the provisions of subdivision A.4 of § 2.2-4006 of the APA.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

This regulatory action establishes compulsory minimum standards for employment, the entry-level and in-service training curricula, and the certification requirements for school security officers. The regulation is required to comply with Code of Virginia § 9.1-102 (45). The amendment to this section necessitating this regulatory action was enacted April 17, 2002.

In addition, § 9.1-184 mandates the Virginia Center for School Safety at the Department of Criminal Justice Services to provide training and certification of school security officers.

School Security Officers are a vital and essential component of many localities' school safety plan. Structured, consistent training and certification for these officers is also required now by Code, and is certainly needed to provide a minimum level of competency in the performance of this function. The purpose of this regulatory action is to provide localities with minimum guidelines for hiring security officers and the minimum training requirements needed for the officer to be effective in promoting school safety.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

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Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

This legislation was enacted to address the increasing vigilance and proficiency necessary to ensure a safe school environment in light of homeland security issues and the ever-increasing complexity of school safety concerns. The primary advantage to enacting these regulations is that they address the advantages outlined by the constituents in their concerns listed below. When the Crime Commission reported on the study of school systems that employed security officers in 2001 (HD 31) the vast majority of school divisions responded that there was a need to:

1. provide consistency and continuity across the state;
2. ensure proper training of school employees;
3. mitigate school division liability by ensuring compliance with state and federal laws.
4. protect students from possible violations of their rights.

Through the employment and training certifications outlined in the regulations, these concerns are addressed and mitigated.

The disadvantage to the issuance of these regulations is the minimal cost involved in compliance. The cost of requiring a records check on individuals as a condition of employment falls on the local school division, however, most division were already assuming this cost as part of local hiring practices. The cost of training is minimal in that the curriculum and standards have been developed by DCJS and the cost of materials for all SSOs is incurred by the state. Through the use of locally trained instructors, localities can train their own employees to the certification standards.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>The General Assembly allocated one FTE for the purposes of implementing this legislation. (approximately \$62,000 incl. benefits). Additionally, one part time data entry administrator (\$22,500.00) is necessary to monitor data entry and records compliance. This money is available in the VCC general fund allotment.</p> <p>The initial cost of curriculum development and printing has been covered through VCSS funding however there is not an ongoing funding source for this expenditure. The cost of ongoing curriculum enhancement, printing, and changes is not known at this time.</p>
<p>Projected cost of the regulation on localities</p>	<p>The cost to localities is relative to the number of SSOs to be trained and their salaries. The certification requirement are for 32 hours for initial certification and 8 hours per year thereafter. Any other training related costs are also incurred by the localities.</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the</p>	<p>Local school divisions employing SSOs</p>

regulation	
Agency’s best estimate of the number of such entities that will be affected	Approximate 84 school divisions are known to have individuals meeting the code definition of SSO.
Projected cost of the regulation for affected individuals, businesses, or other entities	none

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

Legislation in § 9.1-184 of the Code of Virginia requires the Virginia Center for School Safety (located within the Department of Criminal Justice Services) to provide training and certification for school security officers. In order to comply with this mandate, regulations are required. There are no alternatives to this regulatory action.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

**SUMMARY MATRIX OF NOIRA COMMENTS AND RECOMMENDATIONS
REGARDING
6 VAC 20-240:
REGULATIONS RELATING TO SCHOOL SECURITY OFFICERS**

PART 1	DEFINITIONS		
<i>Regulation Cite</i>	<i>Comments/Issues/Recommendations</i>	<i>Respondent(s)</i>	<i>Agency Response</i>
6 VAC 20-240-10. Definitions	In the first section entitled <i>Definitions</i> a school security officer is identified as any person employed for the purposes of, “investigating violations of school board policies”. It is our concern that this definition could involve people involved in investigating teachers and staff members who may have violated policies. Such investigations are usually handled by the Human Resource Department.	Danville Public Schools (Dr. Chris Dunlap)	

<p>6 VAC 20-240-90 Initial instructor application</p>	<p>The section entitled <i>Initial Instructor Application</i> will cause some problems for smaller school districts. Few if any would have school security officers with three years of management experience or five years of general security experience and most certainly would not have “.....<i>experience as an instructor or teacher at an accredited educational institution or agency....</i>” As a result these districts would have to contract this training out and with such a small number of people trained as instructors this will be a very difficult provision to meet before the close of the school year.</p>	<p>Danville Public Schools (Dr. Chris Dunlap)</p>	
	<p>Please consider creating a School Security Compliance officer or agent within the VCSS to somewhat mirror the Compliance Agent under the Private Security Services.</p>	<p>richmond.k12.va.us (Frederick Horton)</p>	

**SUMMARY MATRIX OF DRAFT REGULATIONS COMMENTS AND
RECOMMENDATIONS REGARDING
6 VAC 20-240:
REGULATIONS RELATING TO SCHOOL SECURITY OFFICERS**

PART 1	DEFINITIONS		
<i>Regulation Cite</i>	<i>Comments/Issues/Recommendations</i>	<i>Respondent(s)</i>	<i>Agency Response</i>
<p>6 VAC 20-240-10. Definitions</p>	<p>In the first section entitled <i>Definitions</i> a school security officer is identified as any person employed for the purposes of, “.....investigating violations of school board policies”. It is our concern that this definition could involve people involved in investigating teachers and staff members who may have violated policies. Such investigations are usually handled by the Human Resource Department.</p>	<p>Danville City Public Schools (Dr. Chris Dunlap)</p>	<p>Certified SSO’s should be empowered to initially investigate and report violations even if they are committed by staff or faculty. It is expected that a full investigation of such violations would be conducted in accordance with district policy by the department designated by the district.</p>

<p>6 VAC 20-240-10. Definitions</p>	<p>Consider an exemption for individuals who are night watchmen and do not usually have student contact.</p>	<p>Danville City Public Schools (Dr. Chris Dunlap)</p>	<p>SSO's who may be primarily night watchmen, may, in some districts, be required to substitute for officers working inside the school. For this reason it is necessary for all security personnel to be certified. This ensures a uniform standard of training regardless of the officer's primary assignment.</p>
<p>6 VAC 20-240-20. Certification Through Training Required for all School Security Officers</p>	<p>More emphasis on crisis planning and threat assessments need to be included in training.</p>	<p>Danville City Public Schools (Dr. Chris Dunlap)</p>	<p>The current certification training modules address the minimum standards set out by the legislation. School districts are free to supplement this training with additional subject matter they deem necessary. This</p>

			additional training may be submitted to DCJS for review and subsequent credit towards recertification.
6 VAC 20-240-20. Certification Through Training Required for all School Security Officers	<p>...the same minimum training standards as given for an <u>unarmed</u> Special Conservator of the Peace (24 hours – Training Course 06E – attached) be applied for School Security Officer. In addition...additional requirements as currently found in the listed training courses:</p> <ol style="list-style-type: none"> 1. Security Officer Core Subjects – <u>Confrontation Management</u> (O1E) (2 hours) 2. Personal Protection Specialist – <u>Emergency Procedures</u> (32E) (12 hours) <p>The inclusion of the above subjects would rise the minimum course time from the currently proposed 32 hours to 36 hours; it could be easily expanded to a 40 hour course with additional emphasis on CHINS and child abuse reporting criteria.</p>	Virginia Beach (A.M. JACOBS, Jr, Chief of Police)	See above. Subjects suggested may be introduced by DCJS and offered to supplement the minimum standards addressed by the certification level training. Additional state-sponsored training will be offered based on available funding and personnel.
6 VAC 20-240-40. Initial Certification Requirements for School Security Officers Hired on or after September 1, 2004	The SSO curriculum ... states that SSOs must be 21 years of age. ... Should those standards be included in the REGULATIONS or can the SSOs be younger than 21 ...?	Fairfax Co. Public Schools (Gary D. Ball, Security Specialist)	Agree: Regulations should be amended to set a minimum age of 21 years.
6 VAC 20-240-40. Initial Certification Requirements for School Security Officers Hired on or after September 1, 2004	The SSO curriculum ... states that SSOs ... are required to “Have basic first aid “first responder” training”. Should those standards be included in the REGULATIONS or ... are [SSOs] not required to complete a first aid course?	Fairfax Co. Public Schools (Gary D. Ball, Security Specialist)	Agree: SSO regulations should require that officers be trained in basic first aid. The level of training

			necessary should be left at the discretion of the school district.
6 VAC 20-240-40. Initial Certification Requirements for School Security Officers Hired on or after September 1, 2004	...during initial background investigations for employment, it should be mandatory that all applicants be screened for illegal narcotic usage and each applicant be screened for any form of sexual offender history. These issues should be made a mandatory requirement to safeguard our children.	Prince William County Police Dept (Charlie T. Dean, Chief of Police)	School attorneys have advised that it is not appropriate for SSO's to have more stringent background checks than other school employees. (drug test) A sexual offender should be identified through the school's mandated CCRE and FBI criminal history checks.
6 VAC 20-240-40. Initial Certification Requirements for School Security Officers Hired on or after September 1, 2004	Security officers go through a background check yearly, instead of every two years.	Stafford County Public Schools (Gregory J. Martin, Supervisor, Safety, Security & Risk Management)	See above
6 VAC 20-240-40. Initial Certification Requirements for School Security Officers Hired on or after September 1, 2004	...School Security Officers be a minimum of 21 years of age, especially those to be employed in secondary schools.	Virginia Beach (A.M. Jacocks, Jr, Chief of Police)	See above

<p>6 VAC 20-240-40. Initial Certification Requirements for School Security Officers Hired on or after September 1, 2004</p>	<p>Fingerprint checks should be completed <u>prior</u> to employment (see [Special Conservator of the Peace] 6 VAC 230-31), not within 30 days of employment as currently proposed.</p>	<p>Virginia Beach (A.M. Jacocks, Jr, Chief of Police)</p>	<p>Since most SSO's are not under contract until the first week of school, this requirement would place a financial burden on the schools.</p>
<p>6 VAC 20-240-40. Initial Certification Requirements for School Security Officers Hired on or after September 1, 2004</p>	<p>Drug and Alcohol Testing should be mandated for School Security Officers as currently delineated in [Special Conservator of the Peace] 6 VAC 230-32. ...This proposal is completely lacking in the current DCJS proposals.</p>	<p>Virginia Beach (A.M. Jacocks, Jr, Chief of Police)</p>	<p>See above re: legal requirements of other school employees</p>
<p>6 VAC 20-240-60. School Security Officer Standards of Conduct</p>	<p>That the standards for a School Security Officer mirror those already specifically set for Special Conservator of the Peace.</p>	<p>Virginia Beach (A.M. Jacocks, Jr, Chief of Police)</p>	<p>See above</p>
<p>6 VAC 20-240-70. Re-certification of School Security Officers</p>	<p>The 16-hour In Service requirements during the 2-year period following the initial certification are very good. However, no requirements are given for any period after that. ...suggest that the minimum of 8 hours per year continue.</p>	<p>Virginia Beach (A.M. Jacocks, Jr, Chief of Police)</p>	<p>Agree: wording should be added to specify 8 hrs per year.</p>
<p>6 VAC 20-240-90 Initial Instructor Application</p>	<p>The section entitled <i>Initial Instructor Application</i> will cause some problems for smaller school districts. Few if any would have school security officers with three years of management experience or five years of general security experience and most certainly would not have “.....<i>experience as an instructor or teacher at an accredited educational institution or agency....</i>” As a result these districts would have to contract this training out and with such a small number of people trained as instructors this will be a very difficult provision to meet before the close of the school year.</p>	<p>Danville City Public Schools (Dr. Chris Dunlap)</p>	<p>DCJS will conduct several officer certification training courses each year which will be available for smaller districts with no instructors.</p>

	<p>Instructor requirements need to allow for more trainers. I know they are being lax right now but if they tighten up it will be difficult for some districts.</p>	<p>Danville City Public Schools (Dr. Chris Dunlap)</p>	<p>DCJS will continue to monitor the number and location of trainers throughout the state. Instructor certification classes will be held as needed.</p>
	<p>Allow local criminal justice academies to offer the training.</p>	<p>Danville City Public Schools (Dr. Chris Dunlap)</p>	<p>Since SSO's are not law enforcement officers, it is unlikely the Criminal Justice Academies would consider adding this training to their schedules. We will however propose this and obtain feedback.</p>
	<p>... that DCJS recommend or suggest through a memorandum and in concurrence with the Department of Education, that direct supervision of Security Officers, be put under the local School Divisions Safety & Security Office (if in place) instead of being under direct supervision of the school principals. This would establish a unified security force, which would enable each division to obtain better statistics, compensation, personal evaluations, accountability, guidance, empowerment, higher moral and job retention. Currently, there is no command structure or a unified command for Security Officers. With a proposal from DCJS and DOE, inviting each school division to look into the possibility of</p>	<p>Stafford County Public Schools (Gregory J. Martin, Supervisor, Safety, Security & Risk Management)</p>	<p>While this is the ideal, DCJS is not in the position to dictate the chain of command each school district chooses to utilize.</p>

	<p>unifying their Security Officer program, this would open a dialogue, which would lend the opportunity for potential change.</p>		
	<p>... consider creating a School Security Compliance officer or agent within the VCSS to somewhat mirror the Compliance Agent under the Private Security Services.</p>	<p>richmond.k12.va.us (Frederick Horton)</p>	<p>This would be ideal and be explored as staff and resources permit. In the meantime we have personnel dedicated this task.</p>
	<p>...reconsider the issue of allowing school security officers to possess valid conservator of the peace certifications. When the law changed back in 2001, there were no set regulations established through DCJS to monitor who was applying as a conservator of the peace under VA State Code 19.2-13. ...there are now current procedures governing the conservator of the peace powers. ...the law negatively impacted on some of the school divisions throughout the state, who do not currently utilize school resource officers. ...that school employees do not have arrest powers, it leaves our schools open to potential safety hazards when the police are not available. ...reconsider allowing school employees to become conservators of the peace as part of the proposed changes to the SSO regulations. ...</p>	<p>Hampton City Public Schools (James Bailey, Security Spvsr)</p>	<p>This would require a change in legislation. The VCSS did not make this a regulation requirement but it was incorporated into the law. Therefore, a change in legislation is needed to change it.</p>

	<p>... the time is right for 'a bill to passed' establishing a state mandate for the employment training, and certification of School Security Officers under the department of Criminal Justice Services Board. Passing the bill will be a giant 'step in assuring' 'those who established</p>	<p>Portsmouth City Public Schools (Carrie E. Kearney)</p>	
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	<p>careers in the School System.’ However a minimum standard of professional training for the function in maintaining a safe secure environment that is conducive to learning in our school.</p>		
	<p>... most of our school potential terrorist activities could easily be carried out by simple entry through most any unlocked door at any school site. One of the problems with this is so much entry and exit by students, faculty, et.als. Also, most schools tell visitors to report to the office...usually located inside the school facility causing the entrant to hang around or browse around with no negative consequences. Some attention to these entry and exit points would be the most important first step to prevention. ... remedied by parent volunteers at the entry and exit points of each building. Once some investigation or recognition of the entrant was made, a simple entry pass could be given for this person to go on to the office.</p>	<p>Linwood Holton Governor’s School (John D. Collier, Director)</p>	<p>This is best addressed by on-site administrators and can be recommended through the annual school safety audit.</p>

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

This regulatory action will have a positive impact on the institution of the family from the perspective that trained and qualified school security officers will provide an enhanced level of safety and service to the children being educated in Virginia schools. Families are often stressed and impacted in a negative way by school issues such as bullying, fighting, drugs and weapons. Qualified and trained school security officers are able to reduce the likelihood of a child being exposed to an unsafe school climate. Children who study in a safe environment staffed by qualified and trained personnel are more likely to experience success in their educational endeavors, thus reducing the stress on the family unit.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
6 VAC 20-240-40		None listed	<p>Minimum age of 21 years SSOs placed in secondary schools must supervise and interact with students between the ages of 15-19. SSOs should be a minimum of 21 years of age in order to demonstrate maturity above the age the level they are required to supervise.</p>
6 VAC 20-240-40		None listed	<p>Basic first aid requirement SSOs must deal with a range of emergencies and must be able to respond in a basic manner to students that may be injured. School divisions shall determine the appropriate level of first aid training.</p>
6 VAC 20-240 – 70	Recertification of SSO	16 hours necessary in the first two years after initial certification	8 hours per year thereafter initial certification